

1 everyone is ready to trie it -- the case has to be removed  
2 to a higher court for trial. Also, if it is tried before  
3 the magistrate without a jury by the mere election of a  
4 jury, after the case is heard by the entry of an appeal can  
5 have a trial de nouveau, so that the whole thing is tried  
6 over again.

7 I think it would be most unfortunate if that  
8 condition was continued after we have set up on a full  
9 professional full-time basis the new District Courts.

10 I think they should be given the right to  
11 dispose of the cases right there instead of having them  
12 transferred in great numbers to the higher courts. To do  
13 that, it is necessary to hive a jury. I might point out  
14 29 States have authorized the use of six-man juries with  
15 great success and great convenience. That is particularly  
16 true in the States that have adopted the newest Constitu-  
17 tions. that is to say, for example, Alaska, and New Jersey.  
18 They both allow these courts at the lower level.

19 I think it is a highly desirable experiment. I  
20 don't think we should freeze this business of the  
21 conventional jury into the Constitution, but allow this